

## Department of Defense

214.202-5

(K) FAR 52.246-1, Contractor Inspection Requirements (except when an alternate level of quality assurance is necessary (see FAR 46.203 and 46.204)); and

(L) FAR 52.246-16, Responsibility for Supplies.

(ii) Bilateral purchase orders—

(A) The clauses in paragraph (a)(i) of this section;

(B) FAR 52.204-2, Security Requirements (if the acquisition is classified);

(C) FAR 52.243-1, Changes—Fixed Price (with appropriate alternate as necessary);

(D) 252.243-7001, Pricing of Contract Modifications;

(E) FAR 52.249-1, 52.249-4, or 52.249-5, Termination for Convenience of the Government; and

(F) FAR 52.249-8, 52.249-9, or 52.249-10, Default.

(iii) Any other clauses required by the prescription for their use.

[56 FR 36324, July 31, 1991, as amended at 61 FR 7742, Feb. 29, 1996]

### Subpart 213.70—Simplified Acquisition Procedures Under the 8(a) Program

SOURCE: 63 FR 33587, June 19, 1998, unless otherwise noted.

#### 213.7001 Policy.

For sole source acquisitions under the 8(a) Program, contracting officers may use the procedures established in the Memorandum of Understanding cited in 219.800.

#### 213.7002 Procedures.

For acquisitions that are otherwise appropriate to be conducted using procedures set forth in this part, and also eligible for the 8(a) Program, contracting officers may use—

(1)(i) For sole source purchase orders not exceeding the simplified acquisition threshold, the procedures in 219.804-2(2); or

(ii) For other types of acquisitions, the procedures in subpart 219.8, excluding the procedures in 219.804-2(2); or

(2) The procedures for award to the Small Business Administration in FAR subpart 19.8.

#### 213.7003 Purchase orders.

##### 213.7003-1 Obtaining contractor acceptance and modifying purchase orders.

The contracting officer need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2).

##### 213.7003-2 Contract clauses.

Use the clauses prescribed in 219.811-3(1) and (3) for purchase orders under the 8(a) Program pursuant to the Memorandum of Understanding cited in 219.800.

## PART 214—SEALED BIDDING

### Subpart 214.2—Solicitation of Bids

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214.202 General rules for solicitation of bids.

214.202-5 Descriptive literature.

### Subpart 214.4—Opening of Bids and Award of Contract

214.404 Rejection of bids.

214.404-1 Cancellation of invitations after opening.

214.407 Mistakes in bids.

214.407-3 Other mistakes disclosed before award.

### Subpart 214.5—Two-Step Sealed Bidding

214.503 Procedures.

214.503-1 Step one.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36326, July 31, 1991, unless otherwise noted.

### Subpart 214.2—Solicitation of Bids

#### 214.202 General rules for solicitation of bids.

##### 214.202-5 Descriptive literature.

(d) *Requirements of invitation for bids.* When brand name or equal purchase descriptions are used, use of the provision at 252.211-7003, Brand Name or Equal, satisfies this requirement.

[56 FR 36326, July 31, 1991, as amended at 63 FR 11528, Mar. 9, 1998]

### Subpart 214.4—Opening of Bids and Award of Contract

#### 214.404 Rejection of bids.

##### 214.404-1 Cancellation of invitations after opening.

The contracting officer shall make the written determinations required by FAR 14.404-1 (c) and (e).

#### 214.407 Mistakes in bids.

##### 214.407-3 Other mistakes disclosed before award.

(e) Authority for making a determination under FAR 14.407-3(a), (b) and (d) is delegated for the defense agencies, without power of redelegation, as follows:

- (i) Defense Advanced Research Projects Agency: General Counsel, DARPA.
- (ii) Defense Information Systems Agency: General Counsel, DISA.
- (iii) Defense Intelligence Agency: Principal Assistant for Acquisition.
- (iv) Defense Logistics Agency:
  - (A) General Counsel, DLA; and
  - (B) Associate General Counsel, DLA.
- (v) National Imagery and Mapping Agency: General Counsel, NIMA.
- (vi) Defense Special Weapons Agency: General Counsel, DSWA.
- (vii) National Security Agency: Director of Procurement, NSA.
- (viii) On-Site Inspection Agency: General Counsel, OSIA.
- (ix) Ballistic Missile Defense Organization: General Counsel, BMDO.

(h) Send a signed copy of the document authorizing correction of the bid to the appropriate finance center with its copy of the contract.

[57 FR 42629, Sept. 15, 1992, as amended at 59 FR 27669, May 27, 1994; 61 FR 50452, Sept. 26, 1996. Redesignated and amended at 62 FR 34122, June 24, 1997]

### Subpart 214.5—Two-Step Sealed Bidding

#### 214.503 Procedures.

##### 214.503-1 Step one.

(a) Requests for technical proposals may be in the form of a letter.

[56 FR 36326, July 31, 1991, as amended at 57 FR 53599, Nov. 12, 1992]

### PART 215—CONTRACTING BY NEGOTIATION

#### Subpart 215.4—Solicitation and Receipt of Proposals and Quotations

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- 215.401 Applicability.
- 215.406-2 Part I—The Schedule.
- 215.414 Forms.

#### Subpart 215.6—Source Selection

- 215.605 Evaluation factors and subfactors.
- 215.607 Disclosure of mistakes before award.
- 215.608 Proposal evaluation.
- 215.611 Best and final offers.
- 215.613 Alternate source selection procedures.
- 215.613-70 Four-step source selection procedures.

#### Subpart 215.7—Make-or-Buy Programs

- 215.704 Items and work included.

#### Subpart 215.8—Price Negotiation

- 215.804 Cost or pricing data and information other than cost or pricing data.
- 215.804-1 Prohibition on obtaining cost or pricing data.
- 215.804-6 Procedural requirements.
- 215.804-7 Defective cost or pricing data.
- 215.804-8 Contract clauses.
- 215.805 Proposal analysis.
- 215.805-5 Field pricing support.
- 215.805-70 Cost realism analysis.
- 215.806 Subcontract pricing considerations.
- 215.806-1 General.
- 215.806-3 Field pricing reports.
- 215.807 Prenegotiation objectives.
- 215.808 Price negotiation memorandum.
- 215.809 Forward pricing rate agreements.
- 215.810 Should-cost review.
- 215.810-2 Program should-cost review.
- 215.810-3 Overhead should-cost review.
- 215.811 Estimating systems.
- 215.811-70 Disclosure, maintenance, and review requirements.
- 215.870-215.872 [Reserved]
- 215.873 Estimated data prices.

#### Subpart 215.9—Profit

- 215.902 Policy.
- 215.903 Contracting officer responsibilities.
- 215.905 Profit-analysis factors.
- 215.905-1 Common factors.
- 215.970 DD Form 1547, Record of Weighted Guidelines Method Application.
- 215.971 Weighted guidelines method.
- 215.971-1 General.
- 215.971-2 Performance risk.
- 215.971-3 Contract type risk and working capital adjustment.
- 215.971-4 Facilities capital employed.